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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

915-007.141

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on July 13, 2009

Signature \_\_\_\_\_

Typed or printed name Lisette Ramos

Application Number

10/534,012

Filed

May 5, 2005

First Named Inventor

S. NAUKKARINEN, et al.

Art Unit

2618

Examiner

Tu NGUYEN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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attorney or agent of record.  
Registration number 27,550

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

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July 13, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of One forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:

**Santtu NAUKKARINEN, et al.**

: Confirmation No.: **8466**

Application Serial No.: **10/534,012**

: Group/Art Unit: **2618**

Filing Date: **May 5, 2005**

: Examiner: **Tu X. NGUYEN**

Title: ***Mobile Electronic System***

Mail Stop: **AF**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

This Request for Review is filed in response to the final Office Action of April 13, 2009 and the Advisory Action of June 18, 2009.

Claims 1-25, were examined by the Office and claims 1-25 were rejected. Applicant respectfully requests review of the final rejection to the claims in view of the following discussion. The Office is believed to have committed clear error by failing to establish that 1) Levine, et al (US patent application publication 2003/0135327) (hereinafter Levine) anticipates claims 1-10 and 14-25 and 2) Levine in combination with Ellenby, et al (US patent application publication 2002/0140745) (hereinafter Ellenby) suggests claims 11-13. This Pre-Appeal Brief Request for Review is being submitted together with a Notice of Appeal.

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Lissette Ramos

## **REMARKS**

### **Overview of the Present Invention**

The present invention as seen in Figures 1-3 is directed to providing for different presentations of information to a user depending upon the posture (i.e., orientation) of a device, such as a mobile phone 10. Figure 3 shows a mobile phone 10 having a display 12 where the phone is fixed in a car stand which is connected to the dashboard of a car. When the phone is so positioned, its posture causes the display to present posture related information in a particular mode (in this case the mode shown in Figure 1 using a directional arrow 15).

A second mode of presentation of information on the mobile phone is show in Figure 2 for simulating a floating 3-dimensional compass. Such a mode of presentation can be presented, for example, when the phone is tilted by the user. The apparatus, such as a mobile phone, comprises at least one processing component (such as a 3D magnetometer 51 as seen in Figure 5), so as to determine the current posture of the apparatus (phone).

In summary, the apparatus therefore has at least one processing component configured to process data indicative of the current posture of an apparatus for enabling posture related presentation of information to a user via an output component (display), said processing including selecting one of at least two different modes of presentation (such as the modes shown in Figures 1 and 2) depending on the current posture of the apparatus.

### **Claim Rejections - 35 USC §102**

Claims 1-10 and 14-25 are rejected under 35 USC §102(e) as anticipated in view of Levine. Levine is directed to a navigation system, such as for use on aircraft, which uses multiple sensors, including an Inertial Navigation System (INS), a GPS receiver, and a 3-Access Magnetometer (MAG). A microprocessor controls which data is used from the INS, GPS and MAG, as well as the trustworthiness of the specific sensor so as to use the sensor which is determined to be the most trustworthy (Levine, Abstract). Various terms are defined in Levine, including "Heading or True Heading" and "Magnetic Heading"

(paragraphs [0027-0030]). As discussed at paragraphs [0102] and [0103], the computing device determines the trustworthiness of the data received from the GPS, INS and MAG so as to determine which data to use. At paragraph [0104] it is disclosed that the computing device is able to improve the presentation of navigation information on display 220 (see Figure 1). It is disclosed that a 2-dimensional map database could be used to show the craft on a map or a 3-dimensional display to show position of the craft relative to features of the terrain. The selecting of an operational mode is performed by keypad 210. Paragraph [0102] states: "...keypad 210 may be used to select from various operational modes, ...".

The Office asserts that the features of claim 1 are taught by Levine with specific reference to paragraphs [0027], [0030], and [0102]. Applicant respectfully disagrees since in none of the cited paragraphs nor elsewhere in Levine is there a disclosure or suggestion of a link between the current posture of an apparatus and a selected mode of presentation of information as required by claim 1. The Office asserts in the Advisory Action that Levine discloses such a relationship by:

"...disclose depend on the nose of an aircraft is pointing in direction (current posture) (par.027-030), the computing device 110 is a digital signal processor so that signal conditioning of the outputs from various sensors can be implemented in software, IN ADDITION to interfacing the various sensors, the computing device also receives input [from] keypad (par.0102), the Examiner interprets that the device select mode of output can be implemented in software; alternatively, the device provides additional option for manually select mode of operation from the user input." (Advisory Action, page 2)

Applicant disagrees since the Office appears to be arguing that there is on the one hand a computing device that receives a sensor input that can be used for determining a posture (presumably the posture or heading of the aircraft assuming that the navigation system is permanently mounted therein) and on the other hand, the possibility of selecting an operational mode, such as via keypad 210. Applicant respectfully disagrees that the fact that the computing device can select which of the sensors to use based on the

trustworthiness thereof in any way teaches or suggests determining what mode of display to show on display 220 based on the current posture of the apparatus.

At paragraph [0102] Levine specifically mentions that keypad 210 may be used to select from various operational modes, enter or select way points and routes, select map scale, security code, flight and/or tail number, etc. Thus, in Levine, it is not the processing component (computing device 110) that performs selection of an operational mode based on posture of an apparatus as required by claim 1 of the present invention, but rather the user via keypad 210 selects an operational mode (not indicated as posture related). In short, Levine makes no suggestion that the selection of an operational mode and much less the selection of a mode of presentation may depend on input of any sensor indicating the current posture of the device. It is therefore clear that the operational mode can only be selected by a user via keypad 210 and not by computing device 110 depending on the current posture of the device.

In summary, Levine does not disclose or suggest a processing component configured to process data indicative of the current posture of an apparatus and the processing including selecting one of at least two different modes of presentation depending on the current posture of the apparatus. Therefore, claim 1 is not anticipated or suggested by Levine.

Independent claims 15, 24, and 25 all recite features corresponding to those discussed above with regard to claim 1. These claims are similarly not anticipated or suggested by Levine for the reasons presented above. All of the dependent claims are neither anticipated nor suggested by Levine taken alone or in combination with Ellenby at least in view of their ultimate dependency from independent claims which are allowable.

### **Conclusion**

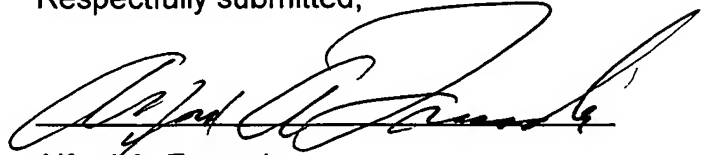
The rejection of the final Official Action having been shown to be inapplicable, withdrawal thereof is requested and passage to issue of the present application is earnestly solicited.

The undersigned hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Dated: July 13, 2009

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', written over a horizontal line.

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